

showed them were not for these planes. In other words, they were for the wrong planes.

Despite this blatant fraud, the Department of Defense inspectors kept certifying the planes, and the government kept making payments.

But here is the catch: The inspectors later admitted that many of the documents and manuals they reviewed were in Italian, and none of them spoke Italian.

In the final count, out of 20 aircraft, 4 never even made it to Afghanistan.

It is unclear why the Department of Defense continued making payments despite these flagrant violations, but by 2013, it became clear that continuing this program was unfeasible, and the government tried to sell the remaining 16 planes. You can imagine that nobody wanted these planes. So the Obama-Biden administration sold them all for scrap metal. You can see the scrap metal right here.

To recap, the government bought 20 airplanes for \$549 million and, in less than 5 years, sold them for \$40,257 worth of scrap metal. The photos next to me show what we bought compared to what it was actually worth, a little pile of garbage.

It is clear that the actual condition of the planes and the lack of parts were very material components of this contract. See, there is that word “material.”

Now, thanks to the Department of Defense’s poor judgment and also the courts’ new standard on materiality, the Justice Department won’t bring False Claims Act charges against that company.

Materiality is important to protect against parasitic lawsuits, but we can’t allow defendants to get away with scalping the taxpayers because some government bureaucrats failed to do their jobs.

Government bureaucrats are highly segmented and often unable to make key decisions for their organizations. Now, that is not the employee’s fault. That is just kind of the way government, I am sorry to say, operates.

Also, the government typically stops payments only when it has fully investigated and corroborated a claim of fraud.

In my many years of investigating the Department of Defense, it has taught me that a Pentagon bureaucrat is rarely motivated to recognize fraud. That is because the money doesn’t come out of their pocket. This example highlights how the courts’ narrow interpretation of “materiality” fails to take into account how the government really works and why we need to overcome the courts’ decision on the definition of “materiality.”

When the False Claims Act was originally passed, one fraudster boasted—and this is a direct quote—“You can sell anything to the government at almost any price if you’ve got the guts to ask.”

Unfortunately, that was true in this case as well. I have already made it

public that I am working to patch this hole in the taxpayer’s pocket. This example perfectly illustrates the need for change. I am working on introducing legislation to address the issue, and I am in the final stages of negotiating and look forward to putting forward a very bipartisan bill in the coming weeks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. CORNYN. Madam President, from El Paso to Brownsville, my home State shares a 1,200-mile border with Mexico. If you were daring enough to attempt to walk that entire stretch, you would trek through deserts, mountains, big cities, small towns, and maybe even stick your big toe in the Rio Grande. You get to know folks who are proud of the strong bonds that our country has with our southern neighbor, including many who have relatives in both countries. You would meet entrepreneurs whose businesses depend on legitimate trade and travel between our countries. You would talk with local, State, and Federal law enforcement officials who go above and beyond the call to keep our communities safe. And I have no doubt that along the way, you could enjoy some great Tex-Mex, and depending on the season, you would find the best grapefruit you have ever eaten in the Rio Grande Valley.

Our Texas-Mexico southern border is a beautiful, vibrant region with a rich sense of community that you can’t find in any other part of the country. I believe it is truly unique.

Throughout my time in the Senate, I have had the opportunity to spend a lot of time in our border communities and work with their incredible leaders: mayors, county judges, sheriffs, school superintendents, NGOs—nongovernmental organizations—and countless others.

Well, I am sure you have heard the song “God Bless Texas.” It is true, I believe, and the folks I have come to call friends along the border are certainly doing the Lord’s work. These men and women work around the clock to create safe communities and thriving economies, something that has been especially tough during the hand they have been dealt this last year with the pandemic. But they have lived through a pandemic, hurricanes, droughts, a winter storm that presented subzero freezing temperatures for a week. All have hit my State in the last 12 months.

Folks in these communities, as they have throughout the country, have lost friends and loved ones. They have lost jobs. They have lost businesses and opportunities and so much more. Now

they are trying to deal with another crisis, one they had no hand in creating and should not be responsible for managing alone.

Unfortunately, the administration continues to play a high-stakes version of the game Taboo as they try to find a word—any word—but “crisis” to refer to what is happening along the southern border. President Biden himself has called it a “humanitarian challenge.” Secretary Mayorkas prefers the term “situation.” And the President’s Chief of Staff referred to it as a “mess.” The problem here isn’t the choice of the word you use to describe it but the implication of downplaying the seriousness of this migration surge.

In an attempt to lessen the impact of this dramatic increase in illegal migration, the administration has revoked policies that were helping deter such an influx. It failed to rapidly provide the resources needed to respond to the crisis once it revoked the previous policies, and now the border communities in my State along that 1,200-mile common border with Mexico are expected to pick up the slack.

Regardless of how you want to brand what is happening, here are the facts. Last month, Customs and Border Protection encountered more than 100,000 individuals along our border last month alone—100,000. That is the highest number since 2006. More than 9,000 of these 100,000 people were children, unaccompanied children, separated when their parents sent them, along with human smugglers, criminal organizations, to make their dangerous trek from Mexico or Central America or somewhere else into the United States. Another 19,000 are what are euphemistically called family units, usually 1 parent and 1 or more children.

Now, we know that this journey to our borders isn’t safe or easy, and you can imagine that is especially true for unaccompanied children. Many arrive at our border in critical health, having endured days and weeks or even months of exposure on the road. I have heard horrific stories of physical and sexual abuse that occur in the hands of these criminal organizations who move migrants from place A to place B. But they are nothing more than cartels, human smugglers, criminals who care nothing about the individuals whom they are ferrying from their point A to point B. All they care about is the money that they make, and they make a lot of money.

By law, children cannot be in the custody of Customs and Border Protection for more than 72 hours. Within that window, they are required by law to be transferred to the custody and care of the Department of Health and Human Services. But right now, the system is so overwhelmed that thousands of children have been in custody beyond the legal limit, including hundreds who have been held for more than 10 days in border detention facilities.

Axios has recently released some pictures taken inside, I believe, the Donna

detention facility showing children basically stacked end to end, trying to stay warm, trying to sleep because the Border Patrol facilities are simply overwhelmed.

The situation has grown so dire, the administration has sent the Federal Emergency Management Agency to help, and now they have set up a new influx care facility in Dallas and Midland to provide for these children. The Midland facility has experienced so many issues that no additional migrant teens are being sent there. In the first few days of operation, more than 10 percent of the population housed there tested positive for COVID-19, and at least one child has been hospitalized. One government official described the process of setting up the facility as “building a plane as it’s taking off.”

There is simply no reason the administration should have been caught flat-footed by this surge of illegal migration. After all, the President campaigned on promises of policies that were sure to lead to this very situation. When you remove the policies that deter illegal border crossings, what do you expect?

We know that the spring months are typically the busiest for migration because mild temperatures make the journey a little less dangerous and folks want to come to the United States for summer work.

We know the cartels and criminal organizations are very knowledgeable about our immigration laws. They know them perhaps better than most Americans do, and they know how to navigate them. We know a flawed court ruling on the Flores settlement agreement means even more children will come across our border because now families are subject to the same requirements as unaccompanied children. We know we have an immigration court backlog that is roughly 1.3 million cases deep, and the average time for a case to be presented in court is now 2½ years. Nevertheless, the Biden administration, by revoking the previous policies without having a plan to replace them, has created a perfect storm that anyone could have told them would end up in this situation. We have experienced migration surges in the past but never of this magnitude.

In the midst of a pandemic, Secretary Mayorkas has said that we are on track to see the highest number of border crossings in 20 years and the administration needs to take action now to keep things from getting any worse.

As migrants continue to make their way to our southern border in record numbers, law enforcement, local officials, and nongovernmental organizations, notwithstanding their best efforts, are not equipped to manage the influx, certainly not in these numbers. They don’t have the facilities. They don’t have the policies, the funding, or the resources to manage the crisis in a fair, efficient, and humane way. That needs to change.

For folks who are not from a border State or haven’t spent much time at the border, it is difficult to understand just how complex the situation is. They may have learned what they think they know about the border from movies or novels, or they may have read news articles and assume border communities are dangerous or lawless places. That assumption could not be farther from the truth. But it is true that our border communities are being asked to carry more than their fair share of the weight during this crisis, when the past year has already been challenging enough with the pandemic.

Like cities across the country, border communities have had to cover a range of expenses created by the pandemic, but unlike those other communities, they now have the added economic struggle created by limits on non-essential border travel.

Prepandemic, folks from Mexico could travel across the border to shop, to eat at restaurants, and visit family members. These were huge drivers of the economy along our entire border region. But the pause on legitimate, nonessential travel by title 42 has created a serious economic strain on these communities, and leaders are struggling to understand the disconnect between the Biden administration’s two very different approaches.

At a recent roundtable my friend Congressman HENRY CUELLAR and I hosted in Laredo, someone said: I don’t understand how you can catch and release the migrants and not let our neighbors across the border come over and spend money in our communities to help bolster our economy.

This confluence of crises is a one-two punch for our border communities, and it is unfair they are expected to carry the burden of this crisis. That is the Federal Government’s responsibility.

This Friday, my colleague Senator CRUZ and I will welcome a number of our colleagues to the Rio Grande Valley, where they can hear and see about these challenges firsthand. I welcome any Member of the Senate or the Congress to join me at the border at a time of their choosing. I know I have benefited from the feedback and advice from the experts on the ground who are dealing with this crisis firsthand, and I am glad to bring some of my Senate colleagues on Friday along for a visit at this critical moment.

Hopefully that will help us to find a way, along with the administration in a bipartisan way, to reduce some of the pull factors that incentivize people to come and navigate our system.

You are never going to deal with the fact that people want a better life or are fleeing violence. We all get that. We understand why, as human beings, people would want to leave that, but we also know that the cartels are getting rich off of this business model, and certainly they are incentivized to encourage as many people as possible to come and pay their extortionate fees in the process. But the combination of

those at this point—both the push factors and the pull factors, especially with the Biden administration putting a green light on our border and basically saying “All comers are welcome to enter the country”—is creating an unreasonable expectation about what people are going to encounter, as well as overwhelming the capacity of our Border Patrol, Health and Human Services, and the Office of Refugee Relocation to be able to deal with them.

We know that the incentives involved in a catch-and-release system, in which people are asked to return in perhaps months, maybe years, for a future court date to consider their asylum claims, are nothing but an invitation for them to not appear and simply melt into the great American landscape and, again, continue to incentivize people to come because they know they can beat the system. They certainly can game the system, and, unfortunately, too often people beat the system, creating the situation we find now at the southern border.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. HIRONO). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BURR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF MARTIN JOSEPH WALSH

Mr. VAN HOLLEN. Madam President, I rise to support the nomination of Marty Walsh to be our Nation’s next Secretary of Labor. Mr. Walsh is an experienced leader who has always been a fighter for working families as the mayor of Boston, a State legislator, and as a union president. We need a Secretary of Labor who will make workplaces safer and prevent the spread of COVID-19 on the job, ensure that unemployed workers get the benefits they need and deserve, and support workers exercising their rights to form a union and bargain collectively.

Only 11.6 percent of workers were represented by a union in 2019, down from 27 percent in 1979. The decline in unionization has coincided with a marked divergence between overall productivity growth in our economy and paychecks for workers. While productivity has grown significantly, hourly compensation for rank-and-file workers has been nearly stagnant once inflation is taken into account.

In a January 22 Executive order on protecting the Federal workforce which faced especially harsh attacks from the Trump administration, President Biden reaffirmed that it is “the policy of the United States to encourage union organizing and collective bargaining.” Strengthening and enforcing the laws that enable workers to do so must be at the core of our efforts to build an economy that works for all Americans, and Marty Walsh is the right person for the job.

Mr. BURR. Madam President, I am going to support the nomination of Mayor Marty Walsh to be the U.S. Secretary of Labor.

Now, why is a guy from North Carolina here to encourage my colleagues to vote for the mayor of Boston, MA? Well, it is quite simple. Mayor Walsh has the background and skills and the awareness for the need of balance in conversations between labor and management.

He has been a mayor; he has been a State representative; and he has also been a union leader. The Department of Labor serves an immensely important role in our economy and in the lives of the American people. Especially in the midst of a pandemic, with unemployment at 6.7 percent and 12.6 million Americans unemployed, this is a job that needs filling.

But our Nation can't have a Labor Secretary that will ever be accused of being in cahoots with labor or beholden to management. I have made it clear that the Labor Secretary's job is to play a balanced role and to confront both, when necessary, for the protection of the rank-and-file workers.

Mayor Walsh emphasized during his nomination hearing that he wanted to work with us collaboratively to help the American workers improve and expand opportunities. He respects the importance of job creators and the need for better coordination of numerous job training programs.

Mayor Walsh is committed to making sure commerce and labor work cooperatively. He stated that the workers in a representation election have the right to listen to both sides. Mayor Walsh agreed to be responsive to our oversight requests and to keep us updated on his plans and departmental actions.

Now, we won't agree on everything, but we should be able to find places that we can agree, in a bipartisan way, to move forward. I support the nomination of Mayor Marty Walsh, and I look forward to working with him. I encourage my colleagues to support this nomination as well.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON WALSH NOMINATION

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Walsh nomination?

Mr. CARDIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mrs. BLACKBURN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Pennsylvania (Mr. TOOMEY).

The PRESIDING OFFICER (Mr. HEINRICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 127 Ex.]

YEAS—68

Baldwin	Graham	Peters
Bennet	Grassley	Portman
Blumenthal	Hassan	Reed
Blunt	Heinrich	Romney
Booker	Hickenlooper	Rosen
Brown	Hirono	Sanders
Burr	Hoeven	Schatz
Cantwell	Kaine	Schumer
Capito	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Leahy	Stabenow
Cassidy	Lee	Sullivan
Collins	Lujan	Tester
Coons	Manchin	Tillis
Cornyn	Markey	Tuberville
Cortez Masto	Marshall	Van Hollen
Cramer	Menendez	Warner
Duckworth	Merkley	Warnock
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Fischer	Ossoff	Wyden
Gillibrand	Padilla	

NAYS—29

Barrasso	Hyde-Smith	Rounds
Boozman	Inhofe	Rubio
Braun	Johnson	Sasse
Cotton	Kennedy	Scott (FL)
Crapo	Lankford	Scott (SC)
Cruz	Lummis	Shelby
Daines	McConnell	Thune
Ernst	Moran	Wicker
Hagerty	Paul	Young
Hawley	Risch	

NOT VOTING—3

Blackburn	Murkowski	Toomey
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOHN GOODROW

Mr. LEAHY. Mr. President, all of us have been sent here by the people of our States to represent them. I have always felt a true measure of the quality of our service is reflected in the kind of people we hire to help us do these awe-

some jobs. The people in our State offices, on our frontlines, are critical in this effort.

John Goodrow is one such public servant. I hired him in 1987 from his job at a local radio station. John brought his radio voice and Vermont sensibility. He has a great sense of humor and could see the challenges, frustrations, and occasional absurdities of everyday life in a Senate office. This was coupled with a determination to serve all Vermonters.

On March 4 of this year, John Goodrow marked 34 years as a loyal and dedicated service. With deep appreciation and respect and more than a little bit of sadness, I recently informed my staff that John has decided to retire on March 31.

At the age of 25, John came to my office scheduling appointments and events, and serving as my on-the-ground Vermont press secretary. He clipped news items in a time when they were actually cut and copied from newspapers, and John loved his typewriter. It was just a few years ago that he reluctantly let go of the typewriter in his office. Staff may have even spirited it away when he wasn't there.

He understood the importance of my travel throughout our State to meet with Vermonters, and in his bones, he knew it how meaningful it was for Marcelle and me to be home at our farmhouse in Middlesex.

He fielded the scores of scheduling requests that came to my office. And later, as my deputy State director, he has helped in overseeing an exceptionally skilled and dedicated staff.

What I also treasured was how direct John could be with me. When something was wrong, he let me know. If I was reluctant to do something he deemed important, he made his case. In our jobs, we are frequently surrounded by people who are too quick to flatter. That was never a problem with John and something I always valued.

John has been a valuable resource and coach to countless staff members and interns over the years. His institutional memory, his good judgment and steadiness of purpose, and his connections to Vermonters across our State are unmatched. His droll sense of humor, including practical jokes, and his gifted storytelling can take you back many years, including back to every one of my campaigns. And his empathy and compassion for others is a gift.

Marcelle and I value John's friendship, his loyalty, and his dedication to helping those in need. We have watched his family grow and prosper as he and Mary Ellen raised their two boys, Joe and Jamie.

While we will miss his booming voice when we walk down the hall of the Burlington office, we will take comfort in knowing that voice will continue to be heard at Centennial Field as baseball season begins anew.

Marcelle and I congratulate John for all he has accomplished, we commend